

BELDOCK LEVINE & HOFFMAN LLP
99 PARK AVENUE, PH/26TH FLOOR
NEW YORK, N.Y. 10016

JONATHAN MOORE
DAVID B. RANKIN
LUNA DROUBI
MARC A. CANNAN
CYNTHIA ROLLINGS
JONATHAN K. POLLACK
HENRY A. DLUGACZ
STEPHEN J. BLUMERT
MYRON BELDOCK (1929-2016)
LAWRENCE S. LEVINE (1934-2004)
ELLIOT L. HOFFMAN (1929-2016)

TEL: (212) 490-0400
FAX: (212) 277-5880
WEBSITE: blhny.com

COUNSEL
BRUCE E. TRAUNER
PETER S. MATORIN
KAREN L. DIPPOLD
MARJORY D. FIELDS
EMILY JANE GOODMAN
(JUSTICE, NYS SUPREME COURT, RET.)
FRANK HANDELMAN

November 1, 2023

REF: 899.701

WRITER'S DIRECT DIAL:
(212) 277-5820
kstephan@blhny.com

VIA ECF

The Honorable Eric R. Komitee
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Schulte v. Warden of MDC*, 22-CV-766 (E.D.N.Y.)
Request for New Briefing Schedule**

Dear Judge Komitee:

My name is Keegan Stephan of Beldock Levine & Hoffman, LLP, and I am now counsel of record to Petitioner Joshua Adam Schulte in the above-captioned matter. (*See* Dkt. 46.) With Respondent's consent, I write to request a new briefing schedule on the pending *habeas* petition.

By way of background, the Court held an evidentiary hearing in this case on September 5, 2023. (*See* 09/05/2023 Minute Entry.) At the hearing, the Court ordered the parties to submit post-hearing submissions consisting of proposed findings of fact and conclusions of law. (September 5, 2023 Transcript of Evidentiary Hearing ("Tr.") 135:9–12.) Petitioner's submission was due on October 12, 2023, and Respondent's submission was due three weeks after receipt of Petitioner's submission. (*Id.*)

Petitioner—who was proceeding *pro se* at the time—mailed his submission on October 10, 2023, but it was not received by the Court or Respondent until October 18, 2023. (*See* Dkt. 42.) In addition, Petitioner did not yet have access to the transcript of the evidentiary hearing (*see* Dkt. 45), so Petitioner's submission did not contain the proposed findings of fact requested by the Court (*see* Dkt. 42).

Accordingly, Petitioner requests that he be allowed to file a supplemental, counseled submission consisting of proposed findings of fact and conclusions of law, and that Respondent's

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Hon. Eric R. Komitee

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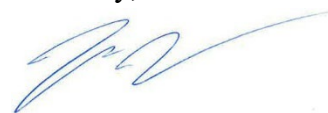
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submission be due after receipt of that supplemental submission. The parties jointly propose the following schedule for those submissions:

- Petitioner's supplemental submission shall be due on or before November 17, 2023;
- Respondent's submission shall be due on or before December 1, 2023.

The parties thank the Court for its attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Stephan', is written over a horizontal line.

Keegan Stephan, Esq.

Associate

cc: David Cooper (via ECF)